IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.1514 OF 2006
IN
SECOND APPEAL NO.920 OF 2006

Bhagoji Dagdu Doiphode ...Applicant

vs.

Sopan Shivram Kolekar and ors. ...Respondents

Mr.Madhav Jamdar for the Applicant
Mr.K.B.Sonwalkar for the Respondents.

CORAM: A.S.OKA,J.
DATE : JULY 6, 2007.

P.C.:

1. Rule. Shri Sonwalkar waives service for Respondent Nos.1 and 2 who are the original Plaintiffs. Impugned decree is a decree for specific performance passed in favour of the first and second Respondents. Hence, service of notice to other Respondents is dispensed with. The decree for specific performance will have to be stayed. There will be interim relief in terms of prayer clause (a) subject to condition that the Applicant will file an undertaking in this Court within a period of six weeks from today stating therein that he will not create any third party interests in respect of the suit property and he will not part with possession thereof till the final disposal of the Second Appeal. If undertaking is not filed within stipulated time, interim relief granted will stand vacated without further reference to the court.

JUDGE